

## Comments on April 11, 2013 Zoning Administrator Agenda

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### **Item 1. 610 Larkspur Parcel Map (PA2013-014)**

In the draft Resolution of Approval:

- Section 2.1: there is no “*Section 15315 of the California Environmental Quality Act.*” Per page 3 of the staff report, under “*Environmental Review,*” it is a section of the CEQA Implementing Guidelines, not CEQA itself. See Section 2.1 of today’s Item 3 for a more accurate finding.
- Fact D-1: there is no Newport Beach “*Public Works*” code. Is this a reference to Title 13 (“*Streets, Sidewalks and Public Property*”), or to something more general?
- Fact I-1: the statement that going from one unit to two will have no effect on meeting the regional housing need seems incorrect. Won’t it help?
- Section 4.1: the title block to the staff report refers to a “*County Tentative Parcel Map No. 2012-133.*” Is that the same as “*Parcel Map No. NP2013-003*”? And does the resolution need to say it is also being approved?
- Condition 7: are there existing overhead utilities that need to be undergrounded? If yes, it would be helpful to specify what they are. If not, the condition should be deleted.
- Condition 8: this is repeated, with more detail, in condition 17. One or the other should probably be deleted.
- Condition 11: this is repeated, exactly, as condition 16. One should be deleted.
- Condition 16: see 11
- Condition 17: see 8
- Condition 23: great detail is provided as to the street sign requirements, but it fails to make clear if the two units need to be separately identified.
- The very similar Item 3 on today’s agenda contains a condition 4 regarding smoke detectors and a condition 21 requiring a variety of additional permits. Why are some approvals subject to conditions different from others?

“Attachment No. ZA 3” is labeled as “Project Plans,” but instead seems to be the “Parcel Map No. NP2013-003” referred to in the resolution.

### **Item 2. 600 Narcissus Parcel Map (PA2013-015)**

In the draft Resolution of Approval:

- Section 2.1: there is no “*Section 15315 of the California Environmental Quality Act.*” Per page 3 of the staff report, under “*Environmental Review,*” it is a section of the CEQA Implementing Guidelines, not CEQA itself. See Section 2.1 of today’s Item 3 for a more accurate finding.
- Fact A-2: should read “...pursuant to the Subdivision Code ...”

- Section 4.1: the title block to the staff report refers to a “*County Tentative Parcel Map No. 2012-134.*” Is that the same as “*Parcel Map No. NP2013-004*”? And does the resolution need to say it is also being approved?
- Condition 7: duplicates condition 18. One or the other should be deleted.
- Condition 14: the intent is less than clear. Does removing one tree mean they all have to be removed to make way for a sidewalk?
- Condition 15: are there existing overhead utilities that need to be undergrounded? If yes, it would be helpful to specify what they are. If not, the condition should be deleted.
- Condition 17: the underlined phrase “Prior to recordation of the parcel map,” seems to be unintended. Should it be deleted?
- Condition 18: see 7
- The very similar Item 3 on today’s agenda contains a condition 4 regarding smoke detectors and a condition 21 requiring a variety of additional permits. Why are some approvals subject to conditions different from others?

“Attachment No. ZA 3” is labeled as “Project Plans,” but instead seems to be the “Parcel Map No. NP2013-004” referred to in the resolution. The map itself labels the structure as “*Proposed 3 Story Duplex.*” Should that be corrected to “*Proposed 3 Story Condominium*” or, more generically, “*Proposed 3 Story Residence*”?

### ***Item 3. 418 Carnation Avenue Parcel Map (PA2013-035)***

In the draft Resolution of Approval:

- Fact E-1: see note at end, below, about applicant’s apparent desire to dedicate an easement to the City.
- Fact G-2: this seems unnecessary since G-1 has established this is not a “land project.”
- Fact K-2: In the absence of a certified Coastal Plan, the City is not authorized to make findings of consistency with the Coastal Act, and a Coastal Development Permit is required to establish that. The Executive Director of the Coastal Commission may well deem this project eligible for a waiver; but he might not. The Zoning Administrator cannot make that determination.
- Section 4.1: the title block to the staff report refers to a “*County Tentative Parcel Map No. 2012-156.*” Is that the same as “*Parcel Map No. NP2013-006*”? And does the resolution need to say it is also being approved?

The parcel map provided as Attachment No. ZA 3 contains at least one typo, where it says “THIS SITE IS NOT IN A FLOOD HAAZARD ZONE OR SUBJECT TO FLOODING.” Should “*HAAZARD*” be corrected to “*HAZARD*” before it is recorded?

More substantively, at the bottom of the map it says “*THE AREA COVERING EASMENT NO 3 IS PROPOSED TO BE DEDICATED TO THE CITY FOR STREET PURPOSES.*” I am unable to find any reference to this in the staff report, nor anything in the resolution as to how it will be effectuated.

**Item 4. Moss Lot Merger (PA2013-038)**

In the draft Resolution of Approval:

- Section 2.1: does not explain what “Class 5” is. Per page 3 of the staff report, under “*Environmental Review*,” it is part of the CEQA Implementing Guidelines, not CEQA itself.
- Section 2.2: the findings to qualify for Class 5 clearly *can’t* be made. Contrary to what the resolution says, the proposal clearly involves a change in density (dwelling units per acre).
- Fact A-3: The draft sentence makes little sense to me. Is it trying to say the merger will be conditioned to require permanent access from the alley? Or that it will be conditioned to require construction access solely via the alley?
  - I can find nothing in the conditions of approval related to alley access during or after construction.
- Fact B-1: The documents attached on handwritten pages 21-23 seem to contradict the statement that the lots are under common ownership. They indicate different owners for Lot 1 and Lot 2.
- Fact E-1: Compatibility with surrounding development is a judgment call, and I don’t find a similar lot a block away convincing evidence of compatibility.
- Facts F-1 and F-3: In the absence of a certified Coastal Plan, the City is not authorized to make findings of consistency with the Coastal Act, and a Coastal Development Permit is required to establish that. The Executive Director of the Coastal Commission may well deem this project eligible for a waiver; but he might also find it raises substantial issues, including diminishing available housing stock in the Coastal Zone. It may also raise General Plan issues in that respect (particularly with regard to the Housing Element).
  - I think Section F should include a statement that consistency with the Coastal Act will be guaranteed by issuance of a CDP, supported by a condition requiring approval of the CDP before the merger can be completed.
- Condition 4: It is unclear what “lot merger documents” the Zoning Administrator is ordering to be recorded.
  - The staff report (page 1) says the applicant is asking to “waive the parcel map requirement,” but I can find nothing further about that (hampered, perhaps, because the report posted on-line is, for the most part, not searchable). I particular I am unable to find a waiver of anything in the resolution or the conditions of approval (and Condition 1 implies the waiver would have to be explicit to be effective).
  - The “Lot Merger Exhibits” on handwritten pages 21-23 look rather like a parcel map, but their relation to the resolution and the conditions of approval is unclear to me.
    - If these are a parcel map, shouldn’t they mention the date on which they were prepared or refer to? All I can find is dates related to the surveyor’s license.
- Condition 12: Are there existing overhead utilities? What, specifically does the Zoning Administrator want undergrounded?

### ***Item 5. Eat Chow Outdoor Dining (PA2013-034)***

In the draft Resolution of Approval:

- Section 2.1: there is no “*Section 15301 of the California Environmental Quality Act.*” It is a section of the *Implementing Guidelines*. See Section 2.1 of today’s Item 3 for a more accurate finding.
- Condition 32 is probably intended to read “... *on any property adjacent to the licensed premises under the control of the licensee.*”
- It does not appear all the conditions from the earlier permit have been copied into the new one.